

In re Appln. of Robert D. Swain, et al.
Application No. 10/027,898

REMARKS

The Office Action indicated that claims 51-87 would be allowable if a Terminal Disclaimer was filed for this application. Enclosed is a Terminal Disclaimer for this application. Therefore, claims 51-87 should be in condition for allowance.

Dependent claims 92-125 have been added which are dependent on allowable independent claim 86. Therefore, dependent claims 92-125 should be allowable.

Dependent claims 126-158 have been added which are dependent on allowable independent claim 87. Therefore, dependent claims 126-158 should be allowable.

The Office Action rejected claims 88, 90 and 91 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,684,488 to Rudolph. In addition, the Office Action rejected claim 89 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,684,488 to Rudolph.

Applicants believe that pending claims 88-91 are patentable over U.S. Patent 4,684,488 to Rudolph. As noted in the Office Action, Rudolph obtains the color while the material is within the end of the extruder. Rudolph does not disclose obtaining the color of a part. Contrary to the assertion in the Office Action, it would not have been obvious to a person of ordinary skill in the art to measure the color value on the part after leaving the extruder. There is no motivation or suggestion in Rudolph to measure the color value on the part after leaving the extruder. Therefore, claims 88-91 are allowable.

New claims 159-161 have been added and these claims should also be allowable over Rudolph.

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Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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